



ITW

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF : Michael R. Clark and Detlev F. Smith
FOR : **REVERSIBLE FOOT PEDAL FOR AN
EXERCISE APPARATUS AND METHOD
THEREFOR**
SERIAL NO. : 10/750,433
FILED : December 30, 2003
LAST OFFICE ACTION : Unknown
EXAMINER : Unknown
GROUP ART UNIT : 2171
ATTORNEY DOCKET NO. : 31419.23990

Akron, Ohio 44308-1471
May 11, 2004

CERTIFICATE OF MAILING

I hereby certify that this **INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. §1.56 and §1.97** is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the following date:

5/11/04

Connie J. Nutter
Connie J. Nutter

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**INFORMATION DISCLOSURE STATEMENT
UNDER 37 C.F.R. §1.56 and §1.97**

Dear Sir:

In accordance with 37 C.F.R. § 1.56, the applicant files this Information Disclosure Statement (IDS) under at least one of the following five circumstances:

☐ 1. **There is No Information to disclose:** No patent novelty search was performed in this case and neither the Applicant nor the undersigned are aware of any prior art devices or documents which they believe to be material to the invention as claimed. This document is being supplied for informational purposes to the Examiner and is evidence of our desire to comply with the duty of disclosure.

☐ 2. **Under § 1.97**, this IDS is filed with the knowledge that it will NOT be considered, but WILL be placed in the file, if

- (1) this IDS is filed BEFORE the grant of a patent; AND
- (2) this IDS does NOT comply with the requirements noted below

☒ 3. **Under § 1.97(b)**, this IDS should be considered because it is being filed

- (1) within 3 months of the filing date of a national application, other than a continued prosecution application under § 1.53(d); OR
- (2) within three (3) months of the date of entry of the national stage of an international application as set forth in § 1.491; OR
- (3) before the mailing date of a first Office Action on the merits; OR
- (4) before the mailing of a first Office Action after the filing of a request for continued examination under § 1.114, whichever occurs last.

☐ 4. **Under § 1.97(c)**: this IDS should be considered because it is being filed after the period specified Under § 1.97(b) above, BUT

- (1) before either the mailing date of a final action under § 1.113 OR
- (2) before the mailing date of a notice of allowance under § 1.311; OR
- (3) before an action that otherwise closes prosecution in the application, whichever occurs last AND

it is accompanied by one of the following statements under § 1.97(e):

I, Heather M. Barnes, Esq., the undersigned hereby state:

(a) ☐ Each item of information contained in this information disclosure statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this statement, OR

(b) ☐ To the knowledge of the undersigned, after making reasonable inquiry, no item of information contained in this statement was known to any individual designated in 37 C.F.R. § 1.56(c) more than 3 months prior to the filing of this statement; **OR**

☐ A check in the amount of \$ 180.00 is enclosed to cover the Information Disclosure Statement (IDS) Fee under 37 C.F.R. § 1.17(p) as required when neither item (a) nor (b) above are selected.

☐ 5. **Under § 1.97(d):** this IDS should be considered because

(1) it is being filed after the period specified Under § 1.97(c) above but **ON OR BEFORE** payment of the issue fee, **AND**

(2) it is accompanied by one of the following statements under § 1.97(e):

I, Heather M. Barnes, Esq., the undersigned hereby state:

(a) ☐ Each item of information contained in this information disclosure statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this statement, **OR**

(b) ☐ To the knowledge of the undersigned, after making reasonable inquiry, no item of information contained in this statement was known to any individual designated in 37 C.F.R. § 1.56(c) more than 3 months prior to the filing of this statement; **AND**

☐ A check in the amount of \$ 180.00 is enclosed for the petition fee as set forth under 37 C.F.R. § 1.17(i).

In accordance with § 1.56 and § 1.97 the references listed on the attached form PTO/SB/08A are being brought to the attention of the Examiner for consideration in connection with the examination of the above-identified patent application. Copies of these cited documents are enclosed.

☒ Please charge deposit account No. 501210 if any additional fees are required.

It is respectfully requested that the Examiner indicate consideration of the cited references by returning a copy of the attached form PTO/SB/08A, with initials or other appropriate marks.

☒ Under new USPTO requirements, because the corresponding utility patent application was filed after June 30, 2003, copies of any U.S. patents or published patent applications herein disclosed have not been attached. However, the appropriate patent numbers or publication numbers have been provided. The Applicant believes this to be true based on the attached waiver information as provided by Steven G. Kunin, Deputy Commissioner for Patent Examination Policy.

Respectfully submitted,

BROUSE MCDOWELL

May 11, 2004
Date

Telephone No.: (330) 535-5711
Fax No.: (330) 253-8601

Heather M. Barnes
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Substitute for form 1449/PTO

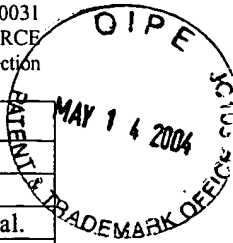
INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Sheet 1 of 3

Complete if Known

Application Number	10/750,433
Filing Date	December 30, 2003
First Named Inventor	Michael R. Clark et al.
Art Unit	2171
Examiner Name	Unknown
Attorney Docket Number	31419.23990

**U.S. PATENT DOCUMENTS**

Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (If known)			
		US-D199,951	12-29-1964	Golden	
		US-D248,635	07-25-1978	Pawsat et al.	
		US-D251,552	04-10-1979	Humlong	
		US-D257,249	10-07-1980	Kingsbury	
		US-D260,249	08-18-1981	Humlong	
		US-D275,846	10-09-1984	Buchanan, Jr. et al.	
		US-D282,730	02-25-1986	Pawsat et al.	
		US-D284,561	07-08-1986	Pawsat et al.	
		US-D286,994	12-02-1986	Colani	
		US-D286,996	12-02-1986	Hartmann et al.	
		US-D292,075	09-29-1987	Kiyota	
		US-D299,222	01-03-1989	Feamster, III et al.	
		US-D299,449	01-17-1989	Chounan	
		US-D299,450	01-17-1989	Chounan	
		US-D302,259	07-18-1989	Konzorr et al.	
		US-D302,668	08-08-1989	Chounan	
		US-D303,778	10-03-1989	Szewczak	
		US-D313,192	12-25-1990	Kiffe	
		US-D316,697	05-07-1991	Beiser	
		US-D320,369	10-01-1991	Feamster, III et al.	
		US-D324,838	05-24-1992	Biscadie	
		US-D331,034	11-17-1992	McMurtrey	
		US-D333,688	03-02-1993	Beyer	
		US-D354,724	01-24-1995	Boone	
		US-D355,871	02-28-1995	Schermeister	
		US-D360,441	07-18-1995	Beyer	
		US-D370,540	06-04-1996	Good	
		US-D378,667	04-01-1997	Ortega	
		US-D387,706	12-16-1997	Hanamura	
		US-D426,175	06-06-2000	Chin-Fong	
		US-D432,463	10-24-2000	Hanamura	
		US-D434,349	11-28-2000	Currie et al.	
		US-4,150,667	04-24-1979	Takeuchi	
		US-4,345,487	08-24-1982	Straker	
		US-4,682,771	07-28-1987	Jean	
		US-4,909,537	03-20-1990	Tratner	
		US-5,125,648	06-30-1992	Olschansky et al.	
		US-5,784,931	07-28-1998	Ueda	
		US-5,787,764	08-04-1998	Peyre	
		US-6,170,357	01-09-2001	Chen	
		US-6,178,850	01-30-2001	Hilley	
		US-6,227,072	05-08-2001	Ritchey et al.	
		US-6,230,583	05-15-2001	Ohno	
		US-6,230,584	05-15-2001	Lin	
		US-6,234,046	05-22-2001	Coombe	
		US-6,276,235	08-21-2001	Heim	
		US-6,293,169	09-25-2001	Takahama	
		US-6,305,244	10-23-2001	Takahama	
		US-6,374,699	04-23-2002	Peyre	
		US-6,393,940	05-28-2002	Ueda	
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		US-6,490,948	12-10-2002	Tanaka	
		US-6,513,408	02-04-2003	Hilber	
		US-6,543,309	04-08-2003	Heim	
		US-6,543,310	04-08-2003	Baker et al.	

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Substitute for form 1449/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Sheet	2	of	3
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Complete if Known

Application Number	10/750,433
Filing Date	December 30, 2003
First Named Inventor	Michael R. Clark et al.
Art Unit	2171
Examiner Name	Unknown
Attorney Docket Number	31419.23990

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ³ -Number ⁴ -Kind Code ⁵ (If known)				

Examiner Signature		Date Considered	
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹Applicant's unique citation designation number (optional). ²See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04.

³Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴For Japanese patent documents, the indication of the year of the right of the Emperor must precede the serial number of the patent document. ⁵Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9799) and select option 2.

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Substitute for form 1449A/PTO				Complete if Known	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>				Application Number	10/750,433
				Filing Date	December 30, 2003
				First Named Inventor	Michael R. Clark et al.
				Art Unit	2171
				Examiner Name	Unknown
				Attorney Docket Number	31419.23990
Sheet	3		3		

[illegible]

Examiner Signature		Date Considered	
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹Applicant's unique citation designation number (optional). ²Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

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Information Disclosure Statements May Be Filed Without Copies of U.S. Patents and Published Applications in Patent Applications filed after June 30, 2003

Office of Patent Legal Administration << Pre-OG Notices << Information Disclosure Statements May Be Filed Without Copies of U.S. Patents and Published Applications in Patent Applications filed after June 30, 2003

Background

The U.S. Patent and Trademark Office (USPTO or Office) regulations concerning Information Disclosure Statements (IDSs) currently require that copies of the cited references be submitted with the IDS listing. See 37 CFR 1.98 (a)(2). In a prior notice in the Official Gazette this requirement was partially waived with respect to U.S. patents and U.S. patent application publications when an applicant submitted an IDS using the Office's electronic filing system (as an electronic IDS, eIDS). See *Legal Framework for the Use of the Electronic Filing System*, 1263 Off. Gaz. Pat. Off. 60, 10/8/2002, Part V.

All U.S. applications [1] filed after June 30, 2003 are stored in electronic form in the Office's Image File Wrapper (IFW) system. [2] IDSs submitted for these electronic applications are processed by Office staff to create an electronic link which permits cited U.S. patents and U.S. patent application publications to be conveniently viewed by examiners through the Office's patent search system. This feature enables the Office to avoid scanning these documents into IFW, obviating the need for their submission.

Waiver

The Office hereby waives the requirement under 37 CFR 1.98 (a)(2)(i) for submitting a copy of each cited U.S. patent and each U.S. patent application publication for all U.S. national patent applications filed after June 30, 2003 and for all international applications that have entered the national stage under 35 USC § 371 after June 30, 2003. See 37 CFR 1.491(b). For all patent applications filed on or before June 30, 2003, copies of cited U.S. patents and patent application publications are still required unless an eIDS is filed.

Applicants are still required to submit copies of foreign patent documents and non-patent literature in accordance with 37 CFR 1.98(a)(2).

FOR FURTHER INFORMATION CONTACT:

Questions concerning this waiver may be submitted to Jay Lucas by e-mail at Jay.Lucas@uspto.gov or by telephone at (703) 308-6868. Comments may also be submitted by mail addressed to: Commissioner for Patents, Box Comments - Patents, Post Office Box 1450, Alexandria, VA 22313-1450, or by facsimile to (703) 305-2919, marked to the attention of Jay Lucas.

Date: 07/11/2003

Signed: /s/
STEPHEN G. KUNIN
Deputy Commissioner
for Patent Examination Policy

[1] Except in special situations, such as in applications under secrecy order or containing national security markings.

[2] See Notification of United States Patent and Trademark Office Patent Application Records being Stored and Processed in

Electronic Form, 1271 Off. Gaz. Pat. Off. 100, 6/17 2003.

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